

RECEIPT # 59183  
AMOUNT \$ 150  
SUMMONS ISSUED 2  
LOCAL RULE 4.1 \_\_\_\_\_  
WAIVER FORM \_\_\_\_\_  
MGF ISSUED \_\_\_\_\_  
BY DPTY. CLK. LINDA FLINT EDGE,  
DATE 9/8 Plaintiff,

10-804

v.

NORFOLK FINANCIAL CORPORATION  
and DANIEL W. GOLDSTONE,  
Defendants.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

FILED  
CLERK'S OFFICE  
2004 OCT -8 P 12:54  
U.S. DISTRICT COURT  
DISTRICT OF MASS

04 - 12134 DPW

MAGISTRATE JUDGE Cohen

COMPLAINT

**INTRODUCTION**

1. This is an action for damages brought by an individual consumer for Defendants' violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

**JURISDICTION**

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. §§ 1331 and 1337.

**PARTIES**

3. Plaintiff, Linda Flint Edge, is a natural person residing in Boston, Massachusetts.
4. Defendant Norfolk Financial Corporation (hereafter "Norfolk") is a Massachusetts corporation with a place of business at 1208 VFW Parkway, Boston, Massachusetts, and is engaged in the business of collecting debts in Massachusetts.
5. Norfolk regularly attempts to collect debts alleged to be due another and is a debt collector as that term is defined in FDCPA § 1692a(6).
6. On information and belief, Norfolk is not licensed in the Commonwealth of

Massachusetts as a debt collector with the Massachusetts Division of Banks.

7. Norfolk is required by M.G.L. ch. 93 §§ 24-28 to be licensed in order to collect debts within Massachusetts.

8. Defendant Daniel W. Goldstone (hereafter "Goldstone") is a natural person and is the President, Treasurer and Clerk of Norfolk.

9. Goldstone regularly attempts to collect debts alleged to be due another and is a debt collector as that term is defined in FDCPA § 1692a(6).

### FACTUAL ALLEGATIONS

10. On or about September 3, 2003, Defendants mailed a letter to Plaintiff in an attempt to collect an alleged debt to "Providian" (hereafter "debt"). A copy of this letter is attached hereto as **Exhibit 1**.

11. **Exhibit 1** is written on a letterhead that reads "Norfolk Financial Corp." and purports to be from Defendant Norfolk.

12. **Exhibit 1** bears the signature of Defendant Goldstone.

13. **Exhibit 1** states that the balance on the debt was \$1,640.19 on September 3, 2003.

14. **Exhibit 1** also states that Defendant Norfolk "will accept fifty (50%) percent" to settle the account if payment is received within 30 days of the date of the letter and that "this offer may only be available for a limited time. . . ."

15. **Exhibit 1** also states, in large letters in a different font than the rest of the letter, bolder than most of the rest of the letter and set apart by a box, "Pre-Approved Settlement Amount: \$820.09."

16. On or about October 14, 2003, Defendants mailed a letter to Plaintiff in their attempt to collect the debt. A copy of this letter is attached hereto as **Exhibit 2**.

17. **Exhibit 2** is written on a letterhead that reads "Norfolk Financial Corp." and purports to be from Defendant Norfolk.

18. **Exhibit 2** bears the signature of Defendant Goldstone.

19. **Exhibit 2** states that the balance on the debt was \$1,663.56 on October 14, 2003.

20. **Exhibit 2** also states that Plaintiff's Providian account "has been sold to" Defendant Norfolk.

21. **Exhibit 2** also states that the opportunity to settle the account "will only be available for a limited time" by calling a Norfolk representative at the telephone number in the letter.

22. On or about October 21, 2003, Defendants mailed a letter to Plaintiff in their attempt to collect the debt. A copy of this letter is attached hereto as **Exhibit 3**.

23. **Exhibit 3** is written on a letterhead that reads "Norfolk Financial Corp." and purports to be from Defendant Norfolk.

24. **Exhibit 3** bears the signature of Defendant Goldstone.

25. **Exhibit 3** states that the balance on the debt was \$1,667.55 on October 21, 2003.

26. **Exhibit 3** also states "We want to settle this account!" and urges the Plaintiff to call Defendant Norfolk and propose a settlement amount.

27. On or about December 4, 2003, Defendants mailed a letter to Plaintiff in their attempt to collect the debt. A copy of this letter is attached hereto as **Exhibit 4**.

28. **Exhibit 4** is written on a letterhead that reads "Norfolk Financial Corp." and purports to be from Defendant Norfolk.

29. **Exhibit 4** bears the signature of Defendant Goldstone.

30. **Exhibit 4** states that the balance on the debt was \$1,732.63 on December 4, 2003.

31. **Exhibit 4** also states, "Because of a new program our client is running, we have been authorized to "settle" the remaining balance on your account at a **significant discount** or to permit you to enter into an affordable payment plan!"

32. **Exhibit 4** also states, "This offer may be withdrawn if we are compelled to incur expenses in connection with the upcoming court appearance."

33. On information and belief, Norfolk purchased the debt and owned it at the time that **Exhibits 1** through **4** were sent.

#### CAUSE OF ACTION

34. Plaintiff realleges paragraphs 1-33 above.

35. Defendants have violated the FDCPA. Defendants' violations include, but are not limited to, the following:

- a. False and misleading representations as to the amount of the debt, in violation of FDCPA § 1692e, 1692e(2)(A) and 1692e(10);
- b. False and misleading representations and implications that Defendants are collecting the debt on behalf of Provident or another person, in violation of FDCPA § 1692e and 1692e(10);
- c. False and misleading representations and implications that Defendant Norfolk is entitled to collect debts in the Commonwealth of Massachusetts, in violation of FDCPA § 1692e and 1692e(10);
- d. Collection of an amount that is not expressly authorized by the agreement creating the debt or permitted by law, in violation of FDCPA § 1692f and 1692f(1);
- e. Use of false, deceptive or misleading representations or means in connection with the collection of the debt, in violation of FDCPA § 1692e; and

f. Use of unfair or unconscionable means to collect or attempt to collect the alleged debt, in violation of FDCPA § 1692f.

**PLAINTIFF'S DAMAGES**

36. As a result of Defendants' violations of the FDCPA described above, the Plaintiff suffered actual damages, including payments to Norfolk on the debt and emotional distress.


37. Plaintiff is entitled to her actual damages, pursuant to FDCPA § 1692k(a)(1).

38. Plaintiff is also entitled to an award of statutory damages, FDCPA § 1692k(a)(2)(A).

39. Plaintiff is entitled to her costs and attorney's fees pursuant to FDCPA § 1692k(a)(3).

WHEREFORE, Plaintiff respectfully requests that this Court:

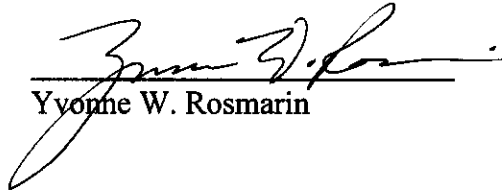
- A. Enter judgment for the Plaintiff and against Defendants in the amount of her actual damages;
- B. Enter judgment for the Plaintiff and against Defendant for statutory damages pursuant to 15 U.S.C. § 1692k;
- C. Award the Plaintiff her costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3);
- D. Grant such other and further relief as may be just and proper.



Yvonne W. Rosmarin BBO #566428  
Law Office of Yvonne W. Rosmarin  
58 Medford Street  
Arlington, MA 02474  
781-648-4040

**JURY DEMAND**

Plaintiff demands trial by jury.

  
Yvonne W. Rosmarin

## NORFOLK FINANCIAL CORP.

September 3, 2003

LINDA M FLINT  
18 MOUNT EVERETT ST # 1  
BOSTON MA 021252436

Re: Your PROVIDIAN Account #5542852000570646  
Your New *Norfolk Financial Corp.* #03009352  
Amount Owed: \$1,640.19

Dear LINDA M FLINT:

Your PROVIDIAN account has been sold to *Norfolk Financial Corp.*

*Norfolk Financial Corp.* will accept fifty (50%) percent to settle the outstanding account if payment is received within thirty (30) days of the date of this letter. *Norfolk Financial Corp.* takes Visa/Mastercard payments and can do Check By Phone!

As this offer may only be available for a limited time, we urge you to take advantage of this opportunity by contacting one of our account representatives, toll free, at 888-949-0200 extension #1.

Thank you for your attention to this matter!

Sincerely,

Daniel W. Goldstone, Esq.

***Pre-Approved Settlement Amount: \$820.09***

Note: This letter and all communications from this office, a debt collector, are attempts to collect the debt owed and any and all information obtained will be used for that purpose. Unless you, within thirty (30) days after receipt of this letter, dispute the validity of the debt (or any portion thereof), the debt will be assumed to be valid. If notified in writing within the thirty (30) day period, you shall be provided with verification of the debt as well as the name and address of the original creditor, if different from the current creditor.

1104nfc

1208 VFW Parkway, Suite 201, Boston, Massachusetts 02132  
tel: 617-323-1533 fax: 617-734-8433 toll free: 888-949-0200

EXHIBIT 1

## NORFOLK FINANCIAL CORP.

October 14, 2003

LINDA M FLINT  
18 MOUNT EVERETT ST # 1  
BOSTON MA 021252436

Re: Your PROVIDIAN Account #5542852000570646  
Your New NFC #03009352  
Balance Including Interest: \$1,663.56  
Settlement Offer Amount: \$831.78

Dear LINDA M FLINT:

As you know, your PROVIDIAN account has been sold to **Norfolk Financial Corp.** If anyone other than our office is contacting you on the above account, please let us know!

**Norfolk Financial Corp.** wants to settle this account but needs you to call us as soon as possible. We take **VISA** and **MASTERCARD** and can do **CHECK-BY-PHONE!**

Take advantage of this settlement opportunity as this offer will only be available for a limited time by contacting one of our account representatives toll free at 888-949-0200 extension #1.

Thank you for your attention to this matter!

Sincerely,

Daniel W. Goldstone, Esq.

**Note:** This letter and all communications from this office, a debt collector, are attempts to collect the debt owed and any and all information obtained will be used for that purpose.

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tel: 617-323-1533 fax: 617-734-8433 toll free: 888-949-0200

**EXHIBIT 2**



## **NORFOLK FINANCIAL CORP.**

10/21/03

LINDA M FLINT  
18 MOUNT EVERETT ST # 1  
BOSTON MA 021252436

Re: Account:PROVIDIAN  
Balance: \$1,667.55  
Our File Number: 03009352

### **PLEASE CALL US TO WORK SOMETHING OUT!**

Dear LINDA M FLINT:

We want to settle this account!

Even if you think we will reject your offer, please call us today to propose a "lump sum" settlement so that we can try to close this file!

Please take advantage of this opportunity by contacting our office toll free at 888-949-0200  
**Extension #1!**

We accept VISA and MASTERCARD! We can even do **CHECK-BY-PHONE!**

Lets get rid of this debt as soon as possible!

Sincerely,

Daniel W. Goldstone

Note, this letter and all communications from this office, a debt collector, are attempts to collect the debt owed and any and all information obtained will be used for that purpose.

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1208 VFW Parkway, Suite 201, Boston, Massachusetts 02132  
tel: 617-323-1533 fax:617-734-8433 toll free:888-949-0200

**EXHIBIT 3**

## NORFOLK FINANCIAL CORP.

December 4, 2003

LINDA M FLINT  
18 MOUNT EVERETT ST # 1  
BOSTON MA 021252436

Re: Norfolk Financial Corp. v. LINDA M FLINT  
Balance Owed: \$1,732.63  
Original Creditor: PROVIDIAN  
Our File Number: 03009352

**AVOID HAVING TO APPEAR IN COURT ON January 8, 2004!!!**

LINDA M FLINT:

As you know, Norfolk Financial Corp. has filed suit against you for the \$1,732.63 balance owed by you.

Although you certainly may appear before the Court, it may not be too late to resolve this matter by telephone!

Because of a new program our client is running, we have been authorized to "settle" the remaining balance on your account at a **significant discount** or to permit you to enter into an affordable payment plan!

This offer may be withdrawn if we are compelled to incur expenses in connection with the upcoming court appearance. So, please take advantage of this opportunity by contacting our office toll free 888-949-0200 Ext.1.

Thank you for your attention to this matter and we look forward to hearing from you.

Sincerely,

NORFOLK FINANCIAL CORP.

NOTE: This letter and all communications from this office, a debt collector, are attempts to collect the debt owed and any and all information obtained will be used for that purpose.

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1208 VFW Parkway, Suite 201, Boston, Massachusetts 02132  
tel: 617-323-1533 fax: 617-734-8433 toll free: 888-949-0200

**EXHIBIT 4**